

## Federal Aviation Administration, DOT

## § 161.1

part 158, subpart D, and as the Administrator may reasonably request.

12. Airport Noise and Capacity Act of 1990. It understands 49 U.S.C. 47524 and 47526 require the authority to impose a PFC be terminated if the Administrator determines the public agency has failed to comply with that act or with the implementing regulations promulgated thereunder.

[Doc. No. 26385, 56 FR 24278, May 29, 1991, as amended by Amdt. 158-2, 65 FR 34543, May 30, 2000]

### PART 161—NOTICE AND APPROVAL OF AIRPORT NOISE AND ACCESS RESTRICTIONS

#### Subpart A—General Provisions

Sec.

- 161.1 Purpose.
- 161.3 Applicability.
- 161.5 Definitions.
- 161.7 Limitations.
- 161.9 Designation of noise description methods.
- 161.11 Identification of land uses in airport noise study area.

#### Subpart B—Agreements

- 161.101 Scope.
- 161.103 Notice of the proposed restriction.
- 161.105 Requirements for new entrants.
- 161.107 Implementation of the restriction.
- 161.109 Notice of termination of restriction pursuant to an agreement.
- 161.111 Availability of data and comments on a restriction implemented pursuant to an agreement.
- 161.113 Effect of agreements; limitation on reevaluation.

#### Subpart C—Notice Requirements for Stage 2 Restrictions

- 161.201 Scope.
- 161.203 Notice of proposed restriction.
- 161.205 Required analysis of proposed restriction and alternatives.
- 161.207 Comment by interested parties.
- 161.209 Requirements for proposal changes.
- 161.211 Optional use of 14 CFR part 150 procedures.
- 161.213 Notification of a decision not to implement a restriction.

#### Subpart D—Notice, Review, and Approval Requirements for Stage 3 Restrictions

- 161.301 Scope.
- 161.303 Notice of proposed restrictions.
- 161.305 Required analysis and conditions for approval of proposed restrictions.
- 161.307 Comment by interested parties.
- 161.309 Requirements for proposal changes.

- 161.311 Application procedure for approval of proposed restriction.
- 161.313 Review of application.
- 161.315 Receipt of complete application.
- 161.317 Approval or disapproval of proposed restriction.
- 161.319 Withdrawal or revision of restriction.
- 161.321 Optional use of 14 CFR part 150 procedures.
- 161.323 Notification of a decision not to implement a restriction.
- 161.325 Availability of data and comments on an implemented restriction.

#### Subpart E—Reevaluation of Stage 3 Restrictions

- 161.401 Scope.
- 161.403 Criteria for reevaluation.
- 161.405 Request for reevaluation.
- 161.407 Notice of reevaluation.
- 161.409 Required analysis by reevaluation petitioner.
- 161.411 Comment by interested parties.
- 161.413 Reevaluation procedure.
- 161.415 Reevaluation action.
- 161.417 Notification of status of restrictions and agreements not meeting conditions-of-approval criteria.

#### Subpart F—Failure to Comply With This Part

- 161.501 Scope.
- 161.503 Informal resolution; notice of apparent violation.
- 161.505 Notice of proposed termination of airport grant funds and passenger facility charges.

AUTHORITY: 49 U.S.C. 106(g), 47523–47527, 47533.

SOURCE: Docket No. 26432, 56 FR 48698, Sept. 25, 1991, unless otherwise noted.

#### Subpart A—General Provisions

##### § 161.1 Purpose.

This part implements the Airport Noise and Capacity Act of 1990 (49 U.S.C. App. 2153, 2154, 2155, and 2156). It prescribes:

(a) Notice requirements and procedures for airport operators implementing Stage 3 aircraft noise and access restrictions pursuant to agreements between airport operators and aircraft operators;

(b) Analysis and notice requirements for airport operators proposing Stage 2 aircraft noise and access restrictions;

## § 161.3

## 14 CFR Ch. I (1–1–01 Edition)

(c) Notice, review, and approval requirements for airport operators proposing Stage 3 aircraft noise and access restrictions; and

(d) Procedures for Federal Aviation Administration reevaluation of agreements containing restrictions on Stage 3 aircraft operations and of aircraft noise and access restrictions affecting Stage 3 aircraft operations imposed by airport operators.

### § 161.3 Applicability.

(a) This part applies to airports imposing restrictions on Stage 2 aircraft operations proposed after October 1, 1990, and to airports imposing restrictions on Stage 3 aircraft operations that became effective after October 1, 1990.

(b) This part also applies to airports enacting amendments to airport noise and access restrictions in effect on October 1, 1990, but amended after that date, where the amendment reduces or limits aircraft operations or affects aircraft safety.

(c) The notice, review, and approval requirements set forth in this part apply to all airports imposing noise or access restrictions as defined in § 161.5 of this part.

### § 161.5 Definitions.

For the purposes of this part, the following definitions apply:

*Agreement* means a document in writing signed by the airport operator; those aircraft operators currently operating at the airport that would be affected by the noise or access restriction; and all affected new entrants planning to provide new air service within 180 days of the effective date of the restriction that have submitted to the airport operator a plan of operations and notice of agreement to the restriction.

*Aircraft operator*, for purposes of this part, means any owner of an aircraft that operates the aircraft, i.e., uses, causes to use, or authorizes the use of the aircraft; or in the case of a leased aircraft, any lessee that operates the aircraft pursuant to a lease. As used in this part, aircraft operator also means any representative of the aircraft owner, or in the case of a leased aircraft, any representative of the lessee

empowered to enter into agreements with the airport operator regarding use of the airport by an aircraft.

*Airport* means any area of land or water, including any heliport, that is used or intended to be used for the landing and takeoff of aircraft, and any appurtenant areas that are used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

*Airport noise study area* means that area surrounding the airport within the noise contour selected by the applicant for study and must include the noise contours required to be developed for noise exposure maps specified in 14 CFR part 150.

*Airport operator* means the airport proprietor.

*Aviation user class* means the following categories of aircraft operators: air carriers operating under parts 121 or 129 of this chapter; commuters and other carriers operating under parts 127 and 135 of this chapter; general aviation, military, or government operations.

*Day-night average sound level (DNL)* means the 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m. and midnight, local time, as defined in 14 CFR part 150. (The scientific notation for DNL is  $L_{dn}$ ).

*Noise or access restrictions* means restrictions (including but not limited to provisions of ordinances and leases) affecting access or noise that affect the operations of Stage 2 or Stage 3 aircraft, such as limits on the noise generated on either a single-event or cumulative basis; a limit, direct or indirect, on the total number of Stage 2 or Stage 3 aircraft operations; a noise budget or noise allocation program that includes Stage 2 or Stage 3 aircraft; a restriction imposing limits on hours of operations; a program of airport-use charges that has the direct or indirect effect of controlling airport noise; and any other limit on Stage 2 or Stage 3 aircraft that has the effect of controlling airport noise. This definition does not include peak-period